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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MICHAEL MCGINNIS and
CYNDY BOULTON, individually,
and on behalf of all others similarly
situated;

Plaintiffs,

v.

COMMUNITY.COM, INC.;

Defendant.

Civil Case No.: 2:23-cv-02426-SB-JPR

**STIPULATION TO STAY CLAIMS OF
MICHAEL MCGINNIS PENDING
WITHDRAWAL OF COUNSEL AND/OR
DISMISSAL**

1 On March 31, 2023, Plaintiffs Michael McGinnis and Cyndy Boulton
2 (“Plaintiffs”) filed, the instant matter. [Dkt. 1.] Shortly thereafter, Defendant
3 Community.com, Inc. (“Defendant” or “Community”), provided information to
4 Plaintiffs’ counsel indicating that Plaintiff McGinnis appears to have accepted
5 Community’s Terms of Use, which contain an arbitration agreement. Accordingly,
6 Plaintiffs’ counsel do not intend to continue prosecuting this action on Plaintiff
7 McGinnis’ behalf in this forum.

8 Plaintiffs’ counsel has been unable to reach Plaintiff McGinnis for consent to
9 dismiss his claims without prejudice. Plaintiffs’ counsel has placed numerous calls,
10 sent numerous emails, and sent physical mail to reach Plaintiff McGinnis. Plaintiff
11 McGinnis has not responded to any of those efforts.

12 Accordingly, the Parties respectfully request that Plaintiff McGinnis’ claims
13 be stayed for 70 days so that Plaintiffs’ counsel can complete final attempts to reach
14 Plaintiff McGinnis and Plaintiffs’ counsel can file their planned Motion to Withdraw
15 as his counsel if he continues to be non-responsive and the Court can rule on that
16 Motion. Plaintiffs’ counsel intends to file a Motion to Withdraw as Plaintiff
17 McGinnis’ counsel by July 19, 2023 and will do so no later than fourteen days after
18 the Court issues its Order on the Parties’ stipulated stay.

19 The Parties further request that the Court include in its Order on the Parties’
20 stipulated stay that Plaintiff McGinnis must appear at or before the hearing on the
21 Motion to Withdraw or his claims will be dismissed from the action without
22 prejudice if the Court grants the Motion to Withdraw. Plaintiffs’ counsel shall also
23 be ordered to serve notice of any such Order and its Motion to Withdraw on Plaintiff
24 McGinnis by overnight mail and file proof of service with the Court.

25 The requested 70-day stay will allow time for: a) the Court to consider this
26 stipulation and issue an Order (7 days); b) Plaintiffs’ counsel to make further
27 attempts to reach Plaintiff McGinnis and if they cannot reach him, draft the Motion
28

1 to Withdraw (additional 14 days); c) Plaintiffs' counsel to file and the Court to
2 consider their planned Motion to Withdraw (additional 28 days); and d) Community
3 to prepare a motion to compel arbitration if Plaintiff McGinnis appears and intends
4 to proceed in the action (additional 21 days).

5 The Parties agree that this approach will avoid the need to burden the Court
6 and Defendant with a motion to compel arbitration of McGinnis' claims unless and
7 until he indicates that he plans to prosecute the action despite withdrawal of his
8 counsel.

9
10
11 Dated: July 17, 2023

LIPPSMITH LLP

12 By: /s/ Jaclyn L. Anderson

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28 *Attorneys for Defendant*
COMMUNITY.COM

ATTESTATION

Pursuant to Civil L.R. 5-4.3.4, I, Jaclyn L. Anderson, as the ECF user under whose credentials this document is filed, attest that concurrence in the filing of this document has been obtained from each of the other signatories.

I declare under penalty of perjury under the laws of California and the United States of America that the foregoing is true and correct. Executed at Los Angeles, California this 17th day of July, 2023.

/s/ Jaclyn L. Anderson

JACLYN L. ANDERSON